

MEETING MINUTES
TOWN OF WOODSTOCK, VERMONT
TOWN DEVELOPMENT REVIEW BOARD
31 The Green
Woodstock, VT 05091

The Town Development Review Board held a public meeting on July 25, 2023 to conduct the following business:

Members present: Wade Treadway, Chair, Kim French, Brad Prescott, and Alan Willard

Public present: Michael Peters, Felicia Neuhof, Trish Conway, Marvin Cole and Marie Cross, Nichole Lee, Matt Tashjian, Stacey Stegman, Katie Merrill, Randy Wood, Mark Auriema, Nicola Auriema, Gina Auriema, Patsy Highberg, Domenica Galluccia, Mariza McKee, Carolyn Barnwell, Conor Forbes, Ray Hennessy, Ron Jones, and Bridget Kane.

Staff present: Steven Bauer and Stephanie Appelfeller

Administrative Tasks

Call to Order: Wade Treadway called the meeting to order at 7:32 PM.

Adjustments to Agenda: Moved Neuhof to later as owner was not present.

Public Hearings:

The Town Development Review Board received testimony on the following proposed developments:

T-5307-23: Michael Peters

Lister No.: 30.22.08

Location: 853 Rose Hill Road

Review Type: Conditional Use Approval

Proposal: To convert apartment above garage into a Bed & Breakfast.

Michael Peters explained the proposed bed and breakfast will be located in the apartment above the garage. There will be no renovations or structural changes and the owners will be living on-site full-time. Wade Treadway asked the applicant to explain the elevation certificate in the file and Michael Peters indicated they have flood insurance at the property and the home is situated 9 feet above the 100-year floodplain.

Wade Treadway walked through the criteria for Conditional Use Approval. Kim French asked why the applicant chose Bed and Breakfast use vs Short Term Rental and Michael Peters said it was better option for their situation as the number of stays is not regulated and they live on-site full time. Brad Prescott inquired about parking spaces and Michael Peters indicated two spots are for the owner's use and the remaining area is for guests with additional parking for up to 8 cars if needed.

Brad Prescott moved to close testimony.
Kim French seconded the motion.
VOTE: 4-0. Testimony closed.

T-5306-23: Deborah, Ashley & Felicia Neuhof

Lister No.: 08.02.22002
Location: 3057 Church Hill Road
Review Type: Conditional Use Approval
Proposal: To use the property for short-term rentals.

Felicia Neuhof presented the plan to use the space above the existing garage for a short-term rental. There are 4 parking spots for guests. The main home is detached from the garage. The space is considered a studio unit with a queen bed, pull-out couch and one bathroom.

Wade Treadway walked through the criteria for Conditional Use Approval. Felicia Neuhof mentioned that the only renovations that have occurred include reinforcement of the exterior stairs and installation of a fire door. Brad Prescott mentioned that the zoning regulations require two guests per bedroom so the maximum capacity will be two guests.

Kim French moved to close testimony.
Wade Treadway seconded the motion.
VOTE: 4-0. Testimony closed.

T-0005-24: Bill and Trish Conway

Lister No: 33.01.18
Location: 4678 South Road
Review Type: Design Review Approval
Proposed Development: To replace an existing window with glass door, extend the existing deck and staircase, install new stair railing, and add screening from street.

Trish Conway explained an existing window was replaced with a set of french doors that lead onto the deck. The deck will be extended, and a hot tub will be added. The side door and stairs will be the only items seen from the street. The screening will be provided by large plantings and trees that block and provide privacy from the roadway. The current retaining wall needs repair. Light will be provided by two sconces flanking the doors. Brad Prescott asked for clarification on the deck and stair railing as that is visible from the road. Trish Conway answered that the proposed railing will match what was on the deck originally. Brad Prescott inquired about the South Woodstock Design approval. Steven Bauer responded the SWDR did provide approval of the proposed design. Brad Prescott suggested using a more historical railing and Trish Conway mentioned they can use the same mahogany railings from the front of home which are more historically accurate.

Wade Treadway moved to close testimony.
Brad Prescott seconded motion.
VOTE: 4-0. Testimony closed.

AP-T-5309-23: Marvin and Janet Cole

Lister No: 22.51.01

Location: 512 East Woodstock Road

Review Type: Appeal

Proposal: To appeal the decision of the Zoning Administrator concerning the lot line adjustment permit and existing survey.

Marie Cross, the applicant's daughter, explained that a permit was filed to subdivide the land in 2009 and the existing mylar survey was not submitted to the Town Clerk within the required 15 day window. The applicant asked for an appeal to submit the mylar survey if a survey company will verify the existing survey is accurate. The applicant mentioned the paper copy of the survey has been on file with the Town Clerk since 2009 but the mylar version was not filed.

Steven Bauer explained that the 2009 regulations indicated that a mylar must be filed in the land records within 24 months (not 15 days) for any subdivision or the permit lapses. Steven Bauer directed the Board to Section 807(G) in the regulations to determine what is a final plat which is not defined in the regulations. Brad Prescott asked the applicant if they wanted to have the existing survey recertified by another surveyor and the applicant said yes, if possible, that is their plan. Alan Willard asked the applicant if the subdivision was granted in 2009, and the applicant responded yes. Steven Bauer explained the paper copy of the survey submitted in 2009 was only provided to the Zoning Office but was never recorded in the land records. Therefore, the subdivision permit and associated mylar was void because the survey detailing the subdivision was not submitted within 24 months.

Kimberly French moved to close testimony.

Brad Prescott seconded motion.

VOTE: 4-0. Testimony closed.

T-0001-24: Matthew Tashjian

Lister No.: 12.02.03

Location: 2039 Randall Road

Review Type: Conditional Use Approval for a Home Enterprise

Proposal: Conversion of a 120 SF residential accessory structure to a yoga studio.

Wade Treadway mentioned the use can either be a home occupation or a home enterprise, with the main difference being that the home enterprise requires conditional use and site plan approval and asked the Board for their thoughts. Alan Willard mentioned that home occupation says no clients on site so cannot be that use.

Nichole Lee explained she owned a yoga studio on Central Street for five years that was closed due to Covid-19. She currently teaches yoga twice a week in a rented space in Woodstock village and would like to convert an outbuilding on their property to host a 6-person max capacity yoga studio. Nichole mentioned the homeowner's insurance will not allow more than 2 classes per week. Nichole Lee mentioned the traffic will not be a significant issue but has asked students to carpool when possible.

Wade Treadway questioned the proposed changes to the building, Nichole Lee responded the only proposed changes will be cosmetic and window changes. Wade Treadway walked through the Conditional Use Approval criteria. Nichole Lee explained that traffic will not be greatly affected. Classes will mostly be held during the morning or latest classes at 5:45pm to 6:45pm. There are solar panels on the property. All parking will be on an existing driveway. No signage will be provided. Wade Treadway discussed the site plan approval criteria. The applicants recently planted 28 trees for screening. There will be lighting along the driveway and will have exterior lighting on the studio. Matthew Tashjian explained the property lighting will be provided by landscaping uplighting along the path and one light on the building, a six-inch downlight on barn. Brad Prescott suggested the uplighting will not typically be approved. The applicants agreed they can use a different type rather than uplighting.

Kim French asked the applicant to confirm the traffic impact will be 12 cars per week maximum and Nichole Lee confirmed yes, 12 cars and that will not change. Steven Bauer asked the applicant to confirm that no retail use will be included, and Nichole Lee confirmed that she will not have retail at the studio. Brad Prescott asked that applicant to confirm whether classes will be held outside, and Nichole Lee confirmed no, classes will only be held inside the building. Brad Prescott asked if there will be special events, and Nichole Lee responded no as the homeowners' insurance policy will not allow events on their site. Brad Prescott asked if there are any other commercial enterprises on site and the applicant confirmed no.

Mark Auriema is an abutter and read a letter signed by residents along Randall Road. Mark Auriema explained that the main concern for most neighbors is increased traffic in a residential area and 24 trips per week will impact the neighborhood. Mark Auriema explained the commercial character of the studio is not appropriate for the area and suggested there are other studio spaces in town the applicant can lease. Mark Auriema suggested that other uses may now come into the area as this will start a precedent. He mentioned in Section 516 of the Zoning Regulations the definition of a home enterprise does not include yoga studio. As the roads are classified as rural residential, this use does not promote rural use.

Ron James is a resident of Randall Road and mentioned the zoning on all 2 miles of Randall Road is R5 which he believed excludes commercial use. Ron James stated that if one property can be approved for commercial use, then all properties can. He mentioned the consistency of the zoning approval is necessary.

Kim French asked the group if there are any Airbnb locations on Randall Road and the owners said yes, there is one.

Bridget Kane asked if counselling is an allowed use in the Home Enterprise category, and Brad Prescott responded yes. Bridget Kane explained she lives in South Woodstock on The Loop and did not feel 12 additional cars would affect the character of the area.

Nicola Auriema is concerned there will be extra traffic along Randall Road. She felt it would change the character of the neighborhood and asked who is responsible for monitoring and that no additional classes are added. Wade Treadway mentioned that the Administrative Officer (Steven Bauer) would investigate complaints and issue any violations.

Ray Hennessy presented that traffic is the main concern as the road is not designed for traffic. He also suggested this use should be in another location.

Patsy Highberg presented that traffic is the main concern.

Katie Merril mentioned there is a need for more home-based yoga studios. The clients that will come to this location will be quiet.

Marisa McKey mentioned working at home is how most people want to use their property now.

Gina Auriema is an abutter who explained nighttime classes will require lighting and does not like the glare. Additionally, mud season and winter time will affect the road. Gina Auriema asked how to enforce it will not grow to more than two classes a week and the Board said the neighbors can file complaints with the Zoning Office.

Keri Cole of the Village Development Review Board suggested the Board look at Section 517 Home Occupation under 517(B)(2)2 with conditional use approval as it makes no mention of clients. Kim French reads 517(B)(1) to require that the resident owner of the building is the only employee of the building, and no clients are allowed on site. Keri Cole explained that as 517(B)(2) does not speak to on-site client use, it can be read that clients are allowed. Section 517(A) refers to exemptions and 517(B)(2) is for conditional use approval under Home Occupation.

Bonnie Hershlog – Lives near Randall Road and is in support of the yoga studio.

Conor Forbes - Lives on Randall Road does not feel it can handle additional traffic as it is too small, poorly designed, and has no speed limit sign.

Domenica Gallicia – Lives on River Street in Woodstock and explained that clients of the yoga class will drive respectfully along Randall Road and agrees with the idea of yoga at the location.

Stacy Stegman – Explained she is in favor of the yoga studio and will drive responsibly on Randall Road.

Randy Wood – Grew up on Randall Road and is presenting on behalf of his mother Kay Wood. They expressed increased traffic would impact the animals and there is no speed control on the road.

Carolyn Barnwell – Goes to yoga and knows the applicants and explained they wish to keep their home location private and will not share this class widely in public. She knows she must drive slow and will carpool to keep traffic down.

Matt Tashjian – Indicated they understand traffic is the main concern, which is why they are only offering 1 to 2 classes per week.

Steven Bauer read a letter from Martha Giller that was not in the original materials packet.

Brad Prescott inquired if the other letters in the materials packet were provided, and Steven Bauer responded yes, the 11 additional support letters were provided to the board prior to the hearing.

Kim French moved to close testimony.

Brad Prescott seconded motion.

VOTE: 4-0. Testimony closed.

Approval of Minutes – 6/27/23

Brad Prescott moved to accept the June 27, 2023 minutes as presented.

Kim French seconded the motion.

VOTE: 4-0. Minutes approved.

Deliberations:

Brad Prescott moved to enter deliberations.

Alan Willard seconded the motion.

VOTE: 4-0. The Board entered closed deliberations.

Other Business:

None

Adjournment:

Brad Prescott moved to adjourn the meeting.

Wade Treadway seconded the motion.

VOTE: 4-0. The meeting adjourned at 10:55 PM.